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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO/OAKLAND DIVISION**

META PLATFORMS, INC., a Delaware  
 corporation,

*Plaintiff/Counterclaim  
 Defendant,*

v.

BRANDTOTAL, LTD., an Israeli  
 corporation, and  
 UNIMANIA, INC., a Delaware  
 corporation,

*Defendants/Counterclaim  
 Plaintiffs.*

Case No.: 3:20-CV-07182-JCS

**DECLARATION OF KARA R. FUSSNER  
 IN SUPPORT OF DEFENDANTS'  
 MOTION FOR PARTIAL SUMMARY  
 JUDGMENT**

1 I, Kara. R. Fussner, hereby state as follows:

2 1. I am an attorney duly licensed to practice law in the State of Missouri. I am a  
3 partner with the law firm of Husch Blackwell LLP, counsel for Defendants/Counterclaim Plaintiffs  
4 BrandTotal Ltd. and Unimania, Inc. (collectively, "BrandTotal"), and am admitted *pro hac vice* in  
5 the above-styled litigation. My testimony in this declaration is based on my personal knowledge,  
6 information, and belief regarding this litigation, including the records maintained by my firm  
7 related to this matter. If called as a witness, I could and would competently testify thereto.

8 2. Attached hereto as Exhibit A is a true and correct copy of Exhibit G-45 to the  
9 Expert Report of Gary Wilcox (the website of [www.brandtotal.com](http://www.brandtotal.com)).

10 3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the Nov.  
11 11, 2021 deposition of Oscar Padilla.

12 4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the Jan. 12,  
13 2022 Expert Report of Gary Wilcox.

14 5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the Nov.  
15 12, 2021 deposition of Kim Stonehouse.

16 6. Attached hereto as Exhibit E is a true and correct copy of the webpage  
17 [www.joinupvoice.com](http://www.joinupvoice.com).

18 7. Attached hereto as Exhibit F is a true and correct copy of excerpts from the Jan. 12,  
19 2022 Opening Report of David Martens.

20 8. Attached hereto as Exhibit G is a true and correct copy of excerpts from Meta's  
21 Responses to BrandTotal's First Set of Interrogatories (Nos. 1-11) served Dec. 23, 2020,  
22 specifically, Response to Interrogatory No. 3.

23 9. Attached hereto as Exhibit H is a true and correct copy of excerpts from the Jan. 12,  
24 2022 Opening Report of Dr. David Thaw.

25 10. Attached hereto as Exhibit I is a true and correct copy of excerpts from the Feb. 11,  
26 2022 Supplemental Report of David Martens.

27 11. Attached hereto as Exhibit J is a true and correct copy of excerpts from the Feb. 20,  
28 2022 deposition of Liram Vardi.

1           12.     Attached hereto as Exhibit K is a true and correct copy of excerpts from the Feb. 3,  
2     2022 Rebuttal Report of Robert Sherwood.

3           13.     Attached hereto as Exhibit L is a true and correct copy of excerpts of Meta's  
4     Supplemental Responses to BrandTotal's First, Second, and Third Sets of Interrogatories served  
5     Nov. 19, 2021, specifically the Responses to Interrogatory No. 13 and Interrogatory No. 22.

6           14.     Attached hereto as Exhibit M is a true and correct copy of excerpts from the Feb.  
7     18, 2022 deposition of Dr. David Thaw.

8           15.     Attached hereto as Exhibit N is a true and correct copy of Meta Platforms, Inc.'s  
9     Form 10-K for the Fiscal Year ended Dec. 31, 2021 as filed with the United States Securities and  
10    Exchange Commission.

11          16.     Attached hereto as Exhibit O is a true and correct copy of a Feb. 16, 2022 article  
12    entitled "Facebook Agreed to Pay \$90M to Settle User Tracking Lawsuit" from PC Magazine,  
13    accessible at [https://in.pcmag.com/social-media/147919/facebook-agrees-to-pay-90m-to-settle-](https://in.pcmag.com/social-media/147919/facebook-agrees-to-pay-90m-to-settle-user-tracking-lawsuit)  
14    user-tracking-lawsuit.

15          17.     Attached hereto as Exhibit P is a true and correct copy of a Aug. 10, 2021 article  
16    entitled "We Research Misinformation on Facebook. It Just Disabled Our Accounts," from The  
17    New York Times, accessible at [https://www.nytimes.com/2021/08/10/opinion/facebook-](https://www.nytimes.com/2021/08/10/opinion/facebook-misinformation.html)  
18    misinformation.html.

19          18.     Attached hereto as Exhibit Q is a true and correct copy of a Aug. 14, 2021 article  
20    entitled "Facebook is obstructing our work on disinformation. Other researchers could be next,"  
21    from The Guardian, accessible at [https://www.theguardian.com/technology/2021/aug/14/facebook-](https://www.theguardian.com/technology/2021/aug/14/facebook-research-disinformation-politics)  
22    research-disinformation-politics.

23          19.     Attached hereto as Exhibit R is a true and correct copy of the Aug. 5, 2021 FTC  
24    Letter from Acting Director of the Bureau of Consumer Protection Samuel Levine to Facebook,  
25    Inc. re: Misleading Claims Regarding FTC Consent Decree.

26          20.     Attached hereto as Exhibit S is a true and correct copy of a October 1, 2021  
27    Statement of Chair Lina M. Khan Regarding the Report to Congress on Privacy and Security  
28    Commission File No. P065401.

1           21.     Attached hereto as Exhibit T is a true and correct copy of a Feb. 7, 2022 Letter from  
2 Congressman Ken Buck to the Federal Trade Commission regarding Facebook's privacy  
3 settlement.

4           22.     Attached hereto as Exhibit U is a true and correct copy of excerpts from the Jan. 13,  
5 2022 deposition of Sanchit Karve.

6           23.     Attached hereto as Exhibit V is a true and correct copy of a News Release from the  
7 Bureau of Economic Analysis of the U.S. Department of Commerce, dated Feb. 3, 2022.

8           24.     Attached hereto as Exhibit W is a true and correct copy of a pdf of data from The  
9 World Bank, GDP Rating for 2020, accessible at [https://datacatalog.worldbank.org/search/](https://datacatalog.worldbank.org/search/dataset/0038130/GDP-ranking)  
10 dataset/0038130/GDP-ranking and <https://databank.worldbank.org/data/download/GDP.pdf>.

11           25.     Attached hereto as Exhibit X is a true and correct copy of an article entitled "The  
12 academic, economic and societal impacts of Open Access: an evidence-based review," by J.  
13 Tennant et al., accessible at <https://f1000research.com/articles/5-632/v3>.

14           26.     Attached hereto as Exhibit Y is a true and correct copy of excerpts from the Jan. 12,  
15 2022 Opening Report of Stephen Prowse.

16           27.     Attached hereto as Exhibit Z is a true and correct copy of an article entitled  
17 "Automated Experiments on Ad Privacy Settings" by A. Datta et al., from Proceedings on Privacy  
18 Enhancing Technologies 2015; 2015 (1):92-112.

19           28.     Attached hereto as Exhibit AA is a true and correct copy of an article entitled  
20 "Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment," by B.  
21 Edelman et al., from the American Economic Journal: Applied Economics 2017, 9(2): 1-22,  
22 accessible at <https://doi.org/10.1257/app.20160213>.

23           29.     Attached hereto as Exhibit BB is a true and correct copy of the Nov. 27, 2017 Brief  
24 of Amici Curiae Electronic Frontier Foundation, DuckDuckGo, and Internet Archive in Support of  
25 Plaintiff-Appellee from the Ninth Circuit Appeal *hiQ Labs, Inc. v. LinkedIn Corp.*, Case No. 17-  
26 16783, Dkt. 42.

27           30.     Attached hereto as Exhibit CC is a true and correct copy of excerpts from the Mar.  
28 12, 2021 Declaration of Professor Woodrow Hartzog, previously filed at Dkt. 126-07.

